

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 6, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0005 to 2002-0039
ORDINANCES – 2004-0001 to 2004-00
RESOLUTIONS - None

2004-0004-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

Motion 2004-0005 – Procedural motion
Motion 2004-0006 – Procedural motion
Motion 2004-0007 – Procedural motion
Motion 2004-0008 – Procedural motion
Motion 2004-0009 – Procedural motion
Motion 2004-0010 – Procedural motion
Motion 2004-0011 – Procedural motion
Motion 2004-0012 – Procedural motion
Motion 2004-0013 – Procedural motion
Motion 2004-0014 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 7, 2004 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

MAYOR'S REPORT

Motion 2004-0015 – Accept report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBERS 1 through 3

1. Motion 2004-0028

REQUEST from Mayor for confirmation of the appointment of **MR. ABE S. GOREN**, to Position Six of the **REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS**, also known as the **MIDTOWN ZONE**, for a term to expire December 31, 2005

2. Motion 2004-0029

REQUEST from Mayor for confirmation of the appointment of **MR. ABE S. GOREN**, to Position Six of the **MIDTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2005

3. Motion 2004-0030

RECOMMENDATION from Acting Director Building Services Department for approval of a list of additional contractors for Pre-qualification as Asbestos/Lead Abatement Contractors and rescind Motion #01-0368

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2004-0023

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,911,640.98 and acceptance of work on contract with **KINSEL INDUSTRIES, INC - PM CONSTRUCTION - A Joint Venture**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-72-3 (4257-13) - 01.43% under the original contract amount

5. Motion 2004-0024

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,427,637.69 and acceptance of work on contract with **FORD CONSTRUCTION COMPANY, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-84-3 (4258-5) - 01.54% under the original contract amount
DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO

6. Motion 2004-0025

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,362,925.91 and acceptance of work on contract with **P.M. CONSTRUCTION & REHABILITATION, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-85-3 (4257-19) - 02.52% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and H - GARCIA**

7. Motion 2004-0026

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,021,041.76 and acceptance of work on contract with **TROY CONSTRUCTION, L.P.** for Utility Repair Site Restoration, (10705) - 00.01% under the original contract amount

8. Motion 2004-0031

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,254,735.38 and acceptance of work on contract with **JAY C. CONTRACTOR** for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0517-12-3 (WA10679) - 25.26% under the original contract amount

PROPERTY - NUMBER 9

9. Motion 2004-0032

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debra Leger-Jordan, Windrose Land Services, on behalf of JEC Texas, Ltd., [JEC Development, Inc. (James E. Cox, president), general partner], for the abandonment and sale of 10-foot-wide utility easement within the Samuel D. Smith Survey, Abstract 737, Parcel SY4-013 - **STAFF APPRAISERS - DISTRICT E - WISEMAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 16

10. Ordinance 2004-0006

ORDINANCE appropriating \$369,252.70 out of Airports Improvement Fund (Fund 561) for purchase of 75 Liquid Crystal Displays for the Houston Airport System

a. Motion 2004-0033

DELL MARKETING, L.P., for 75 Liquid Crystal Displays from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Airport System - \$369,252.70 - Enterprise Fund

11. Motion 2004-0034

REJECT bid of **INNOVATIVE PIPELINE TECHNOLOGY** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, GFS R-0266-C6-3 (WW4277-18)

a. Ordinance 2004-0007

ORDINANCE appropriating \$819,636.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C6-3 (WW4277-18); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

12. Motion 2004-0027

ROBINSON FANS FLORIDA, INC for Replacement Rotors for Centrifugal Fans for Department of Public Works & Engineering - \$55,900.00 - Enterprise Fund

Motion 2004-0038 – Suspend rules to consider Item 13 at this time

13. Motion 2004-0039

HOUSTON FREIGHTLINER, INC for Garbage Trucks for Solid Waste Management Department \$2,027,623.92 - Equipment Acquisition Consolidated Fund

14. Motion 2004-0035

AMEND MOTION #2001-0127, 2/7/2001, TO EXTEND expiration date from March 1, 2004 to February 28, 2005, for Caterpillar Tractor Parts and Service Contract for Various Departments, awarded to **MUSTANG TRACTOR AND EQUIPMENT COMPANY**

15. Council Members Ellis and Quan tagged

PRIME MATERIALS & SUPPLY CORP. for Asphalt Emulsion for Various Departments \$909,952.65 - General and Enterprise Funds

PURCHASING AND TABULATIONS OF BIDS - continued

16. Motion 2004-0036

NORTHWEST PIPE COMPANY for Sign Posts and Associated Hardware, Part II for Various Departments - \$126,426.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,792.78 for a net award amount not to exceed \$122,633.22 General Fund

ORDINANCES - NUMBERS 17 through 32

17. Ordinance 2004-0002

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of McGowen Avenue, Parcel SY3-018, vacating and abandoning said portion of said avenue to Rutco Agency, L. P., the abutting owner, in consideration of (i) its dedication of a 40-foot-wide utility easement, from ±50 feet east of Callie Street to its terminus, Parcel VY3-004, located in Leeland Park addition and (ii) its payment of \$5,710.00 and other consideration to the City - **DISTRICT D - EDWARDS**

18. Council Member Holm tagged

ORDINANCE appropriating \$56,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund No. 98E and approving and authorizing first amendment to development agreement with **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide \$56,000.00 of additional funding for Lead Abatement Costs related to nine affordable rental units - **DISTRICT H - GARCIA**

19. Ordinance 2004-0003

ORDINANCE issuing a permit to **EXXON MOBIL CORPORATION**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS A - LAWRENCE; B - GALLOWAY; E - WISEMAN; H - GARCIA and I - ALVARADO**

20. Ordinance 2004-0004

ORDINANCE issuing a permit to **MOBIL PIPE LINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN and H - GARCIA**

21. Council Members Ellis and Holm tagged

ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO**

22. Ordinance 2004-0008

ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for the Raising Immunizations thru Education ("RITE") Program; providing a maximum contract amount - \$427,000.00 - Grant Fund

23. Ordinance 2004-0009

ORDINANCE approving and authorizing contract between the City and the **CYPRESS CREEK VOLUNTEER FIRE DEPARTMENT** for Supplemental Firefighting Services in the Willowbrook Mall Area; providing a maximum contract amount - \$400,000.00 - General Fund - **DISTRICT A - LAWRENCE**

ORDINANCES - continued

24. Council Member Wiseman tagged

ORDINANCE amending Ordinance No. 99-0072 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **INFRASTRUCTURE SERVICES, INC** for Sweeping Services for Public Works & Engineering Department - \$732,335.09 - General Fund

Motion 2004-0037 – Call the question on Item 25

25. Ordinance 2004-0010

ORDINANCE appropriating \$371,500.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Regional Computerized Traffic Signal System (RCTSS) CMAQ Project under contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** (approved by Ordinance No. 01-1005), GFS N-0650-08-2

26. Ordinance 2004-0011

ORDINANCE appropriating \$371,500.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Regional Computerized Traffic Signal System (RCTSS) CMAQ Project under contract between the City of Houston and **KLOTZ ASSOCIATES, INC** (approved by Ordinance No. 01-1005), GFS N-0650-08-2

27. Council Member Galloway tagged

ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract with **METROPLEX INDUSTRIES, INC** for Safe Sidewalk Program F0 Project, GFS N-0610A-F0-2 (SB9137); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

28. Council Member Galloway tagged

ORDINANCE appropriating \$744,703.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C2-3 (WW4277-14); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

29. Council Members Galloway and Goldberg tagged

ORDINANCE appropriating \$828,344.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C3-3 (WW4277-15); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

30. Council Member Galloway tagged

ORDINANCE appropriating \$791,295.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SHUMAKER-HARVEY EQUIPMENT CO. DBA, SHE-CO.** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C4-3 (WW4277-16); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

ORDINANCES - continued

31. Council Member Galloway tagged

ORDINANCE appropriating \$768,526.00 out of Water and Sewer System Consolidated Construction Fund, awarding construction contract to **UTILITY & ENVIRONMENTAL SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C5-3 (WW4277-17); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

32. Ordinance 2004-0005

ORDINANCE appropriating \$115,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional General Environmental, Asbestos and Lead Related Consulting Services contract between the City and **TOLUNAY-WONG ENGINEERS, INC**, CIP S-0019-28-2; providing for contingencies relating to facilities financed by the Water & Sewer System Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 33 through 40

33. Motion 2004-0018 – Refer to Appropriation Committee to report by April 1, 2004

WRITTEN Motion presented by Council Member Parker to amend Item 32A as follows:

“The Convention and Entertainment and Aviation Departments must report special event expenditures (events not covered by rental agreements or contracts) as part of their annual budget presentation and must provide cost recovery to the general fund.”

TAGGED BY COUNCIL MEMBER EDWARDS

a. Motion 2004-0019 – Refer to Appropriate Committee to report by April 1, 2004

ORDINANCE **AMENDING CHAPTERS 2, 28, 32, 40 AND 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to use of City Parks, Streets and other City property for Special Events and other similar purposes; prescribing procedures for issuance and revocation of permits for certain events; declaring certain conduct to be unlawful and providing a penalty therefore

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 19 on Agenda of December 23, 2003

MATTERS HELD - continued

34. Motion 2004-0020 – Refer back to the Administration

WRITTEN Motion by Council Member Edwards to amend Item 34A as follows:

1- In proposed city code section 2-346(b) delete positions 1 and 8 through 11; renumber positions 2 through 7 as 1 through 6

2- Amend proposed city code section 2-346(c) to read:

(c) The Board shall annually elect a chair from among its members.

3- Make any other revisions as required to conform to items 1 and 2 above

TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, PARKER and QUAN

MATTERS HELD - continued

a. Motion 2004-0020 – Refer back to the Administration

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING A NEW DIVISION 3 TO ARTICLE XI, CHAPTER 2**, relating to the creation of a Mayoral Advisory Board for International Affairs and Development (MABIAD)

TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, PARKER and QUAN

This was Item 21 on Agenda of December 23, 2003

Motion 2004-0021 – Suspend rules to consider Item 35 out of order

35. Motion 2004-0022

ORDINANCE approving and authorizing a first amendment to a contract between the City of Houston and **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth and **ZINA GARRISON**, individually

TAGGED BY COUNCIL MEMBERS GOLDBERG and WISEMAN

This was Item 36 on Agenda of December 23, 2003

36. Ordinance 2004-0001

ORDINANCE approving and authorizing first contract amendment between the City of Houston and **CAPPS RENT A CAR, INC** for Revisions and clarifications to the contract

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 37 on Agenda of December 23, 2003

37. Ordinance 2004-0012

ORDINANCE appropriating \$75,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Environmental Consulting Services under Professional Environmental Services Contract with **RAO ENVIRONMENTAL** (approved by Ordinance No. 01-0796); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 44 on Agenda of December 23, 2003

38. Ordinance 2004-0013

ORDINANCE appropriating \$75,000.00 out of General Improvements Consolidated Construction fund as an additional appropriation for Environmental Consulting Services under Professional Environmental Services Contract with **CORRIGAN CONSULTING, INC** (approved by Ordinance No. 99-0513); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 46 on Agenda of December 23, 2003

39. Ordinance 2004-0014

ORDINANCE appropriating \$776,474.50 out of Parks Consolidated Construction Fund, awarding construction contract to **STRUCTURE MANAGEMENT L.L.C.** for Construction of Parks Master Plan - Burnett Bayland Park, GFS F-504A-16-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - \$300,000.00 CDBG Funds - **DISTRICT F - ELLIS**

ELLIS

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 53 on Agenda of December 23, 2003

MATTERS HELD - continued

Motion 2004-0016 – Suspend rules to consider Items 40, 36, 33, 33a, 34 and 34a out of order

40. Motion 2004-0017 –Refer back to the Administration

MOTION by Council Member Ellis/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel HY3-002, located at 1700 Travis, owned by The Carter Investment Company, W. T. Carter III, President, for the **FIRE SUPER STATION PROJECT**, CIP C-0149-01-3 - **DISTRICT I - ALVARADO** - **TAGGED BY COUNCIL MEMBER GOLDBERG**
This was Item 66 on Agenda of December 23, 2003

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sekula-Gibbs first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

1/6/2004 – All Present

1/7/2004 – All Present